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Masato Honma

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KUBOVCIK & KUBOVCIK

SUITE 1105

1215 SOUTH CLARK STREET

ARLINGTON, VA 22202

EXAMINER

HIGGINS, GERARD T

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

12/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed 12/16/2008 has been entered. Currently claims 1-3, 5-8, and 11-38 are pending, claims 4, 9, and 10 are cancelled, claims 14, 15, 18, claims 21-38 are withdrawn from consideration, and claims 1-3, 5-8, 11-13, 16, 17, 19, and 20 stand finally rejected for the reasons of record and the reasons set forth below. Please note that claim 1 is missing the word "and" on line 10 of the claim: "thermosetting resin layer **and** the resin of said thermoplastic resin layer."

The Examiner recognizes that applicants have cancelled claims 9 and 10, and therefore the rejection of claims 9 and 10 under 35 USC 112, first paragraph has been withdrawn.

With regard to applicants' arguments concerning the term "rugged," the Examiner respectfully disagrees. The ruggedness of a surface would be equivalent to a surface roughness. Surface roughness is a property that can be measured and evaluated, and it is therefore a term of degree. The term rugged is not defined in such a way that one of ordinary skill would be apprised of **how rugged** a surface must be in order to comprise applicants' limitation of rugged; furthermore, the term is not further limited, as is suggested by applicants in their Remarks, with the limitations that a set of filaments are impregnated with both of the resin of said thermosetting resin layer and the resin of said thermoplastic layer. A flat interface, wherein a set of filaments are running parallel to said interface and are half touching said thermosetting resin layer and said

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thermoplastic resin layer would read on applicants' claim. The Examiner maintains his rejection.

With regard to applicants' arguments concerning the rejections based upon the prior art of Obara, the Examiner respectfully disagrees.

First, the Examiner notes that the claims at issue are article claims, and not method claims. The method in which Obara forms his article is not dispositive to the patentability of the claims at issue. Obara discloses an article that renders obvious applicants' claimed article.

Second, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a flowable thermoplastic resin and a flowable thermosetting resin) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Third, the Examiner does not see a difference between an "intermingled interface" and a "rugged interface." Applicants freely admit that the "object of Obara is substantially [the] same as the object of the present invention." An interface that has intermingling will intrinsically or inherently meet the limitation of a rugged interface. Figures 3 and 4 of Obara shows this intermingling, wherein the fibers are shown to be impregnated by both the thermoplastic and the thermosetting resin layers. This is a situation that is identical to that claimed by applicants, and the Examiner maintains his position that this intermingling is a rugged interface as claimed.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GERARD T. HIGGINS whose telephone number is (571)270-3467. The examiner can normally be reached on M-F 9:30am-7pm est. (1st Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on 571-272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gerard T Higgins
Examiner
Art Unit 1794

/Gerard T Higgins/
Examiner, Art Unit 1794

/Callie E. Shosho/
Supervisory Patent Examiner, Art Unit 1794

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